

Maruti Suzuki - Why Are India's Automobile Workers in Jail?

Wednesday 29 March 2017, by [KRISHNAN Kavita](#) (Date first published: 29 March 2017).

In a recent trial court judgement on 10 March 2017, 117 workers of the automobile company Maruti Suzuki's factory in Manesar, Gurgaon, India were acquitted of a murder charge. 18 workers were convicted of minor offences while 13 - all leaders of the Maruti union - have been convicted of murder and await the quantum of punishment, to be declared on March 17, 2017.

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The Maruti workers plan to challenge the convictions of their comrades in higher courts. Why are automobile workers being jailed for murder? The story at Maruti is a familiar one in India's industrial scene.

Where Unionisation Is A Crime

In 2011, workers at Maruti Suzuki 's Manesar plant had formed an independent union and demanded recognition for it. Gurgaon-Manesar, not far from Delhi, is an industrial belt, where managements fear that an independent union in even a single factory would be contagious, emboldening workers in other factories to unionise. Labour law violations are rampant in the entire belt - but labour departments and governments turn a blind eye to these. Indian labour laws do recognise the right to form unions - on paper. In reality, every attempt to form a Union is met with immediate victimisation - those who are seen as leaders and organisers are either transferred to some other factory or sacked on some pretext.

On July 18 2012, Maruti workers agitating outside the factory gate heard that their comrades who had been invited for talks inside the factory, were being subjected to a beating by the management's 'bouncers' - a common practice in the industrial belt. They stormed into the factory to rescue their comrades. Soon after, a fire broke out in the factory, in which a human resources manager lost his life. Immediately after, workers and union leaders were accused of conspiring to murder the HR manager, and indiscriminate arrests followed. The fact that there is no evidence that any murder took place has not mattered.

Laughably, prosecution witnesses in the Maruti case named 89 of the accused workers in an orderly, alphabetical manner. That is, police arrested workers indiscriminately, listed and grouped them alphabetically, and then assigned each group an 'eyewitness' who claimed to have seen them 'rioting'! Not only that, they arrested 91 of the workers before any witness gave any statement against them; in court defence lawyers could establish that the workers had been arrested on the

basis of a list provided by the Maruti management, and witnesses were then fabricated to fit the list.

The defence lawyers also established in court how the police initially claimed that 'Belcha, Saria, Rod and Lathi' had been used by workers as weapons. Later the witnesses changed their statements to claim that "door beams and shockers" had been used as weapons. There were no independent witnesses for the supposed 'recovery' of weapons from workers, nor any forensic tests linking weapons to a violent crime or to the workers. The police claimed that the workers absconded from the factory carrying the heavy door beams used as weapons, which were then found on their persons far away when they were arrested (on a highway, in the rented accommodation where they had taken shelter etc.) Why and how would the workers carry such heavy, incriminating 'weapons' such a distance is a mystery the prosecution saw no need to solve. They could not establish what was used to commit arson either: all they had to show to back their claim that workers used matches to light the fire was a match-box cover that had miraculously been said to survive the carnage without any burn marks on it!

The Court, in the face of the evidence presented, had to acquit 117 workers. The 13 Union leaders were convicted on the testimony of prosecution witnesses - I.e Maruti company's witnesses who were deemed to be truthful while workers' testimonies were deemed to false, not because they were proven false but because of ideological assumptions about workers and Unions. The judgement observes for instance, "it is clear that the workers who have not been arrayed as accused or who had witnessed the incident could not be joined as witnesses because they would never tell the truth nor they would speak against the assailants or Union Members because of fear of their expulsion from the Union and they would always fear that the Union leaders or the Union members would boycott them or they would be excommunicated of their brotherhood." The learned judge did not say that Maruti company's witnesses could likewise be suspected of lying to protect their own jobs.

We can then understand why Maruti workers see the trial court verdict as a partial vindication of the truth: the very fact that 117 workers have been acquitted exposes the hollow and vindictive nature of the entire prosecution cases. The fact that most of the workers have been proved innocent is a triumph of the Maruti workers' struggle in a very unequal battle against the nexus of the management, the entire capitalist class, the State and the corporate media that had painted them all as a murderous mob.

The 13 workers convicted for 'murder' are all - unsurprisingly - leaders of the Union. The Maruti workers recognise what this verdict means. Leaders of the Union are being punished for sticking their necks out and daring to lead the struggle of workers to form a Union. The legal defence of the Maruti workers was led by Rebecca Mammen John and Vrinda Grover. Grover says of the verdict, "The judgment of the Gurgaon trial court in the Maruti workers case acquitting 117 workers of all charges has unequivocally demolished the foundation of the prosecution case. 18 workers have been convicted only for grievous hurt and trespass. 13 workers have been convicted for murder. What is important to understand is that these 13 are the office bearers of the Union and the main leaders. They have been implicated in the case and management witnesses have deposed against them because they stand for rights of workers. They are paying the price of championing the cause of workers. One man very regrettably lost his life in the fire at the Manesar plant. But there is less than tenuous evidence to link any of these 13 workers to the fire. The legal defence team for the Maruti workers is confident of mounting a very strong challenge to their conviction in appeal before the High Court. The judgment vindicates our stand that a very large number of workers were falsely implicated to prejudice the public opinion and project an exaggerated and alarming version of the incident.

The question to ask today is who will be held accountable for the incarceration that these 117 suffered for over 2 years in jail. Will the police officers who arrested them on the dictates of Maruti

Suzuki company be held answerable by the law?

For the 13 convicted for murder we shall fight we shall win."

Bizarre Political Arguments of the Public Prosecutor

Anurag Hooda, Public Prosecutor in the Maruti case, argued in court for the death penalty for the 13 Maruti workers convicted for murder. The judge rejected this argument and sentenced the 13 to life imprisonment.

In a video interview [1] with writer and journalist Aman Sethi, he explained why. The death penalty in Indian law is reserved for 'rarest of the rare' violent crimes. Hooda said the workers' crime deserves the death penalty - but he offered political, not legally sound arguments for this. He said they deserved death because theirs was a crime against capital, against "industrial growth", against "Foreign Direct Investment (FDI)" and against "Make in India jo Modi ji keh rahe hain" (Make in India that Mr Modi speaks of).

The Public Prosecutor representing the State said, by implication, that those who create hurdles for what the State calls 'growth' by unionizing and demanding the implementation of labour laws, deserve death. He argued quite explicitly in this interview that death penalty to Maruti workers is needed for "deterrent effect" against workers' protests. He had no answer to Aman Sethi's question about the failure of the police to "bring enough evidence on the table as to what inflammable substance was used, what was used to light the fire, alphanumerical witnesses."

Asked by Aman Sethi whether he feels any regret for the fact that 117 innocent workers, acquitted in the trial court, spent years in jail, Hooda replied, "What was the atmosphere outside the Court? They (workers) are not taking lunch (this in a tone of outrage - ed). What kind of societal fear they are creating? It shows that there is no remorse, no repentance. Why there is all around police here (sic)? It means still there is a societal fear, so these kind of offences must be dealt with deterrence punishment (sic)." Hooda here is referring to lunch-boycott protests by workers - not only of Maruti's Manesar plant but workers all over the country - in solidarity with the convicted Maruti workers. His expression and tone convey moral outrage as he argues that workers missing a meal causes 'societal fear.' What can possibly be scary or threatening or outrageous about workers volunteering to miss a meal?

His words reveal that he is outraged because the workers - the ones acquitted as well as their colleagues and comrades - have not allowed their will to be broken, they are still organizing, unionizing and holding protests. So, he argued, hanging the 13 workers convicted of murder is necessary to break their will and deter protests like lunch-boycott! The PP, in his interview, also gave his own bizarre gloss on Marxism. According to Marxism, his maid, he said, is "a bourgeois", while he is "a proletariat"; likewise his subordinates or employees in a law firm are "bourgeois" while the boss is "proletariat." They are all equal in the eyes of law, he said, and that's why such talk of "class divide" is "total nonsense." It is left to the reader's judgement whether it is Marx's understanding of class that is "total nonsense" or Mr Hooda's understanding of Marx.

Growing Solidarity

What is remarkable is that the witch-hunt of workers and trade union leaders has not broken the back of the working class movements - in fact, it has had the opposite effect. As Pricol workers celebrate 10 years of their struggle, welcome back 6 of their own and struggle for the release of the

remaining two comrades, they savour the fact that their Union – the Kovai Mavatta Pricol Thozhilalar Sangam – not only survived, but forced the management to recognise it in 2012. They recall how the arrested workers' families were not allowed to fend for themselves – the entire Union collectively took responsibility for their care.

The Maruti struggle has generated waves of solidarity across the Gurgaon-Manesar industrial belt and beyond. Journalist Aman Sethi [2] quotes a worker from Bellsonica, a Suzuki subsidiary in the same area: "Today it is Maruti, tomorrow it could be us in jail...We want our comrades to be released, but Maruti has already united workers more than any trade union could."

Another worker, speaking to Sethi, recalled how when he was on the run from the police, "I'd sneak into Manesar in the dead of night, starving, penniless...I'd knock on a Maruti worker's door – even if I didn't know him personally, and without a word, he'd push money, clothes and food into my hands.... They would say, 'You are fighting for all of us.'"

Maruti and Pricol are reminders that India is seeking to criminalise unions, even as its Government is seeking to erode and destroy existing labour laws. The Indian Prime Minister welcomes multinational corporations to 'Make In India', promising them a docile labour environment and 'cheap and good quality labour.' Suppressing unions is a priority for governments in such a climate. But the attempted suppression and criminalisation are not finding it easy to succeed. India's workers are unionising, uniting and fighting back! □

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P.S.

* <http://cpiml.org/liberation/april-2017/why-are-indias-automobile-workers-in-jail>

Footnotes

[1] <https://www.facebook.com/sethi.aman/videos/vb.532696490/10154538795701491/?type=2&theater>

[2] <http://www.hindustantimes.com/delhi/verdict-has-united-us-say-maruti-workers/story-jJgyddh6fg3DZqdgLcfJpN.html>